

ADMINISTRATIVE PANEL DECISION

PB Web Media B.V. v. Andrey Ivanov, Clivector
Case No. D2025-0057

1. The Parties

The Complainant is PB Web Media B.V., Netherlands (Kingdom of the), represented by ICTRecht Amsterdam B.V., Netherlands (Kingdom of the).

The Respondent is Andrey Ivanov, Clivector, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <fuq.casa> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 8, 2025. On January 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 8, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy, PrivacyGuardian.org, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 9, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on January 14, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 3, 2025. The Response was filed with the Center on January 29, 2025.

The Center appointed John Swinson as the sole panelist in this matter on February 6, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a company based in the Netherlands (Kingdom of the) and facilitates access to online adult content.

The Complainant owns and manages the domain name <fuq.com> and operates a website at that domain name that facilitates the provision of adult video content.

The Complainant owns Benelux trademark registration for FUQ with the registration number 988759 which was registered on March 28, 2016.

The disputed domain name was registered on October 14, 2021.

The Respondent has an address in the Russian Federation. The Response provides little information about the Respondent. The Response was informal, unsigned, did not include the name of any person, and came from an email address at the domain name <fantasy-traffic.com>.

The disputed domain name resolves to a website that contains adult content. This website includes a logo “FUQ” next to a bikini top, and a heading “FUQ Porn Video Channels”. The website does not identify any entity as the owner of the website and includes a notice at the bottom of the homepage that states “FUQ.casa All rights reserved.”

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name was registered primarily for the purpose of disrupting the business of the Complainant by offering pornographic content under the Complainant’s trademark. The Complainant also contends that the disputed domain name is being used for identical services and offers pornographic content.

The Complainant notes that the Respondent was unsuccessful in a prior domain name case, being *Fenix International Limited v. Domain Administrator / Clivator, Andrey Ivanov*, WIPO Case No. [DME2022-0013](#).

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name. The Respondent argues that the Respondent is located in the Russian Federation, not Benelux where the Complainant’s trademark is registered. The Respondent asserts that the Respondent is in the process of obtaining a trademark registration in the Russian Federation; no evidence was provided to support this assertion.

The Respondent states that the disputed domain name is three letters, and asks whether “all adult sites with letters ‘fuq’ should be transferred to some Netherland company?”

The Respondent also asserts that the Respondent's website is not related with the Complainant's website and is visually different.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Respondent argues that the Respondent is located in the Russian Federation, not Benelux where the Complainant's trademark is registered. The Respondent also states that the Complainant does not have registered trademark rights in the Russian Federation. For the purposes of the first element of the Policy, the Complainant does not have to prove that it would succeed in a trademark infringement case against the Respondent. It is also irrelevant under this test that the Respondent may be in another jurisdiction where the Complainant may not have trademark rights. See, for example, *Sydney Markets Limited v. Nick Rakis trading as Shell Information Systems*, WIPO Case No. [D2001-0932](#); and *Pest Control Office Ltd v. Lawrence Banksy*, WIPO Case No. [D2024-4850](#).

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The disputed domain name is identical to the Complainant's trademark and the Respondent provides services that are similar to the Complainant's services. The record shows that the Complainant's FUQ mark was well established by the time the Respondent registered the disputed domain name, and the Respondent cannot reasonably claim to deny prior awareness of the Complainant or its mark.

The Panel concludes that the Respondent's use of the disputed domain name is not bona fide offering of goods or services for the purposes of the Policy and thus does not establish that the Respondent has rights or legitimate interests in the disputed domain name.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Respondent and the Complainant are, broadly speaking, competitors. The Complainant appears to be a sophisticated Internet marketing company that focuses on adult content. The Respondent moreover does not assert that the Respondent was unaware of the Complainant when the Respondent registered the disputed domain name, and based on the record before the Panel, the Respondent cannot reasonably claim to deny prior awareness of the Complainant or its mark.

The evidence in the case file as presented indicates that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

The fact that the Respondent chose to register a domain name which matches the Complainant's trademark and is registered by the Complainant as a domain name in the ".com" Top-Level Domain affirms an inference of targeting of the Complainant by the Respondent.

The Panel also finds that the Respondent has engaged in a pattern of bad faith registration of domain names that incorporate trademarks registered in the field of adult content.

The Panel finds that the Respondent has attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion as to the source, affiliation or endorsement of the website. This amounts to evidence of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <fuq.casa> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: February 20, 2025